

## **REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated September 8, 2006. Reconsideration and allowance are respectfully requested in view of the following.

### **Summary of Rejections**

Claims 1-12 and 13-17 were rejected under 35 USC 101.

Claims 1-22, 24-32 and 34-38 were rejected under 35 USC 102.

Claims 23 and 33 were objected.

### **Summary of Response**

Claims 13, 15, 16, 18, 22, 24-27, 31 and 34 have been amended.

Claims 1-12, 14, 17, 20, 21, 23, and 33 have been canceled.

Claims 19, 28-30, 32 and 35-38 remain as originally filed.

Claims 39-56 have been added.

The limitations of Claim 23 and intervening Claims 20 and 21 have been included in Claim 18 as amended herein. The limitations of original Claims 17 and 33 have been included in new independent Claim 39.

### **Summary of Claims Pending:**

Claims 13, 15, 16, 18, 19, 22, 24-32, and 34-56 are currently pending following this response.

### **Response to Rejections under Section 101**

In the Office Action dated September 8, 2006, Claims 1-12 and 13-17 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12, 14 and 17 have been canceled.

Claim 13 has been amended herein to include a limitation of “displaying a result of the testing”. Applicants assert that this additional limitation satisfies the tangible result requirement. Support for this amendment is provided in at least paragraph 0064.

### **Response to Rejections under Section 102**

In the Office Action dated September 8, 2006, Claims 1-22, 24-32 and 34-38 were rejected under 35 USC § 102(e) as being anticipated by Cleaveland (U.S. Patent Publication No. 2005/0160321).

#### **I. Cleaveland does not disclose a plurality of simulators.**

Claim 13 has been amended herein to incorporate the limitations from each of Claims 14 and 17. As amended, Claim 13 recites the test controller “communicating each of the plurality of messages ... to a corresponding one of a plurality of simulators simulating an application that communicates with the software under testing”. Support for the amendment is found in at least Fig. 2 and paragraphs 0036-0042.

The Office Action relied on paragraphs 0028-0038 of Cleaveland to teach the limitations of Claim 17. Applicant asserts that Cleaveland only discloses the use of one simulator. Applicant notes that in the cited paragraphs and throughout, the disclosure of Cleaveland refers to the simulator 8 in the singular. There is no teaching or suggestion in Cleaveland of a plurality of simulators.

### **Allowable Subject Matter**

Claims 23 and 33 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter. As suggested by the Examiner, the limitations of Claim 23 and intervening Claims 20 and 21 have been included in Claim 18 as amended herein. Applicant notes that Claims 19, 22, 24-32, and 35-38 depend from amended Claim 18 and are allowable at least for the reasons Claim 23 was indicated as allowable. Also, the limitations of original Claims 18 and 33 have been included in new independent Claim 39. Applicants note that Claims 40-56 are dependent from new Claim 39 and are allowable at least for the reasons Claim 33 was indicated as allowable.


**Conclusion**

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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